



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 17, 2013

Ms. Karon Newby-Cooley  
Records Clerk  
Pflugerville Police Department  
P.O. Box 679  
Pflugerville, Texas 78691

OR2013-21897

Dear Ms. Newby-Cooley:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 508722 (Pflugerville PD Reference # W000710-092713).

The Pflugerville Police Department (the "department") received a request for a specified incident report. You state you have released some of the requested information to the requestor. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted incident report pertains to "criminal investigations pending court." However, the submitted incident report relates to the offenses of burglary of a vehicle, engaging in organized crime, and a minor in possession of alcohol that occurred on February 17, 2007. The prosecutor must file charges on these offenses within two years. *See* Penal Code § 30.04 (burglary of a vehicle is a Class A misdemeanor); Alco. Bev. Code

§ 106.071 (possession of alcohol by a minor is a Class C misdemeanor); *see also* Crim. Proc. Code arts. 12.02 (an indictment or information for a misdemeanor must be brought within two years), .03(b) (the limitation period for organized criminal activity is the same as that of the most serious offense that is the object of the organized criminal activity). You have not informed this office any criminal charges were filed within the limitations period for this case. Furthermore, you have not otherwise explained how release of this report would interfere with the detection, investigation, or prosecution of a crime. Thus, the submitted information may not be withheld under section 552.108(a)(1).

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release.<sup>1</sup> *See* Gov't Code § 552.130. Accordingly, the department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. As no further exceptions to disclosure have been raised, the remaining information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Sarah Casterline  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 508722

Enc. Submitted documents

c: Requestor  
(w/o enclosures)